



Attorney Docket No. 21486-032 DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Wands et al.
SERIAL NUMBER : 09/903,023 EXAMINER : Yu, Misook
FILING DATE : July 11, 2001 ART UNIT : 1642
FOR : DIAGNOSIS AND TREATMENT OF MALIGNANT NEOPLASMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT OF JACK R. WANDS REGARDING BIOLOGICAL
CULTURE DEPOSIT**

I, Jack R. Wands, of East Greenwich, Rhode Island, declare and state as follows:

1. I am a co-inventor of the invention claimed in the above-referenced application and am employed by the named assignee, Rhode Island Hospital, Providence, Rhode Island.

2. The following hybridoma cells lines were deposited on May 17, 2001, with the American Type Culture Collection (ATCC) of 10801 University Boulevard, Manassas, Va. 20110-2209 USA, an official depository for biological materials in accordance with the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure:

hybridoma FB501 (which produces monoclonal antibody FB50; ATCC accession no. PTA 3386)
hybridoma HA386A (which produces monoclonal antibody 86A; ATCC accession no. 3385)
hybridoma HA15C7A (which produces monoclonal antibody 5C7; ATCC accession no. 3383)
hybridoma HA219B (which produces monoclonal antibody 19B; ATCC accession no. 3384)

Wands et al.
09/903,023

3. The hybridoma cell lines were deposited after the filing date of patent application U.S. Serial Number 09/436,184 (from which the present divisional application claims priority) and are the same hybridoma cells lines as described in the above-referenced patent application and were in my possession at the time the application was filed.

4. The hybridoma cell lines were tested by the ATCC and were confirmed to be viable on May 30, 2001 (ATCC filing receipt and viability statement, dated June 27, 2001, which is of record, having been submitted to the Patent Office on September 26, 2003).

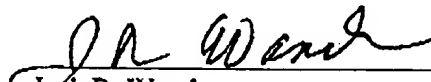
5. In the event that the deposited hybridoma cell lines mutate, become nonviable, or be inadvertently destroyed, Applicant will replace the cell lines for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-referenced patent application, whichever is longer.

6. The deposit of cell lines was made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the cell lines so deposited will be irrevocably removed upon the granting of the patent, and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

Wands et al.
09/903,023

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by a fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

3/11/04

Jack R. Wands